

SENATE BILL 1076

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 4, Part 1; Title 39, Chapter 17, Part 4; Title 39, Chapter 11, Part 7; Title 40, Chapter 33 and Title 40, Chapter 3, Part 2, relative to the audit and use of certain funds, proceeds, fines or forfeitures available to law enforcement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 4, Part 1, is amended by adding the following as a new section:

Section 8-4-117.

(a) Within thirty (30) days of completing the audit required by §§ 39-11-713, 39-17-420, 40-3-207, and 40-33-211, the comptroller shall file a copy of each such audit with the clerk of each house of the general assembly.

(b) All costs associated with any audit required by §§ 39-11-713, 39-17-420, 40-3-207, and 40-33-211, shall be paid from the particular fund being audited.

SECTION 2. Tennessee Code Annotated, Section 39-11-713, is amended by adding the following new subsections:

(e) If the office of a district attorney general is awarded any funds pursuant to this section, it shall notify the comptroller's office of the date and amount of funds so awarded. The comptroller shall, on an annual basis, audit any funds awarded to a district attorney general's office and the purpose for which they are expended.

(f)

(1) It is an offense for the district attorney general to knowingly:

(A) Fail to notify the comptroller pursuant to subsection (e);

(B) Use any funds awarded pursuant to this section in a manner other than provided by subsection (d);

(C) Use any funds awarded pursuant to this section for personal use; or

(D) Use any funds awarded pursuant to this section for any other use that is not strictly and directly related to the duties of the office of district attorney general.

(2)

(A) A violation of subsection (f)(1)(A) is a Class C misdemeanor.

(B) A violation of subsection (f)(1)(B), (C), or (D) shall be punished as theft and shall subject the district attorney general to removal from office.

SECTION 3. Tennessee Code Annotated, Section 39-17-420, is amended by adding the following new subsections:

(i) If the office of a district attorney general uses or has any access to the special revenue fund established pursuant to this section, it shall notify the comptroller's office of any expenditure from such fund, the purpose of the expenditure, and the date of the expenditure. The comptroller shall, on an annual basis, audit all expenditures made by a

district attorney general's office from such special revenue fund and the purpose for which the expenditure was made.

(j)

(1) It is an offense for the district attorney general to knowingly:

(A) Fail to notify the comptroller pursuant to subsection (i);

(B) Use any funds awarded pursuant to this section in a manner other than set out in subsection (a)(1);

(C) Expend any funds from the special revenue fund for personal use; or

(D) Expend any funds from the special revenue fund for any other use that is not strictly and directly related to the duties of the office of district attorney general.

(2)

(A) A violation of subsection (j)(1)(A) is a Class C misdemeanor.

(B) A violation of subsection (j)(1)(B), (C), or (D) shall be punished as theft and shall subject the district attorney general to removal from office.

SECTION 4. Tennessee Code Annotated, Section 40-3-202, is amended by deleting the language:

Subject to the limitations of § 40-3-209(b), the use of any moneys collected under the provisions of this part shall be at the discretion of the district attorney general of the district and shall include, but not be limited to, the following:

and substituting instead the following:

Subject to the limitations of § 40-3-209(b), the use of any moneys collected under the provisions of this part shall be at the discretion of the district attorney general of the district but shall be limited to the following:

SECTION 5. Tennessee Code Annotated, Title 40, Chapter 3, Part 2, is amended by adding the following as a new section:

Section 40-3-211.

(a)

(1) It is an offense for the district attorney general to knowingly:

(A) Fail to provide the comptroller with a detailed report of expenditures as required by § 40-3-207;

(B) Use any funds collected pursuant to this part in a manner other than authorized by § 40-3-202; or

(C) Expend any funds from the funds collected pursuant to this part for personal use; or

(2)

(A) A violation of subsection (a)(1)(A) is a Class C misdemeanor.

(B) A violation of subsection (a)(1)(B) or (C) shall be punished as theft and shall subject the district attorney general to removal from office.

SECTION 6. Tennessee Code Annotated, Title 40, Chapter 33, Part 2, is amended by adding the following new section:

Section 40-33-216.

(a) If the office of a district attorney general is awarded any proceeds from forfeitures pursuant to this part, it shall notify the comptroller's office of the date and amount of forfeiture proceeds so awarded. The comptroller shall, on an annual basis, audit any forfeiture proceeds awarded to a district attorney general's office and the purpose for which they are expended.

(b)

(1) It is an offense for the district attorney general to knowingly:

(A) Fail to notify the comptroller pursuant to subsection (a);

(B) Use any forfeiture proceeds awarded pursuant to this part in a manner prohibited by § 40-33-211(b);

(C) Use any forfeiture proceeds awarded pursuant to this part for personal use; or

(D) Use any forfeiture proceeds awarded pursuant to this part for any other use that is not strictly and directly related to the duties of the office of district attorney general.

(2)

(A) A violation of subsection (b)(1)(A) is a Class C misdemeanor.

(B) A violation of subsection (b)(1)(B), (C), or (D) shall be punished as theft and shall subject the district attorney general to removal from office.

SECTION 7. This act shall take effect July 1, 2003, the public welfare requiring it.